

Transcript of the Testimony of
RICHARD BANNER

Date: November 16, 2005

Case No.: CV04-00204 DAE KSC

Case: ALOHA SPORTS, INC. v. THE NATIONAL COLLEGIATE

Carnazzo Court Reporting Company, Ltd.

Phone: (808)532-0222

Fax: (808)532-0234

Internet: www.carnazzo.com

EXHIBIT " 58 "

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

ALOHA SPORTS INC., a Hawaii)	CIVIL NO. CV04-000204 DAE/KSC
)	
Plaintiff,)	
)	
vs.)	
)	
THE NATIONAL COLLEGIATE)	
ATHLETIC ASSOCIATION, an)	
unincorporated association,)	
)	
Defendant.)	
)	
)	

VIDEOTAPED DEPOSITION OF RICHARD BANNER

Taken on behalf of Defendant at the law offices of
McCorriston Miller Mukai MacKinnon LLP, Five Waterfront
Plaza, 4th Floor, 500 Ala Moana Boulevard, Honolulu,
Hawaii 96813, commencing at 8:03 a.m., on Wednesday,
November 16, 2005, pursuant to Notice.

BEFORE:

Donna Kohls, CSR 146
Notary Public, State of Hawaii

1 APPEARANCES:

2 For Plaintiff:

COURTNEY PALKO, ESQ.
Blecher & Collins, P.C.
611 W. Sixth Street, 20th Floor
Los Angeles, California 90017-3120

4 For Defendant:

5 GREGORY L. CURTNER, ESQ.
ATLEEN KAUR, ESQ.
Miller Canfield Paddock & Stone, P.L.C.
6 101 North Main Street, 7th Floor
Ann Arbor, Michigan 48104-1400

I N D E X

EXAMINATION BY:	PAGE
Ms. Kaur	4

EXHIBITS MARKED FOR IDENTIFICATION:

68	Typewritten note	16
69	Funds Transaction-Banner/Aloha Sports	18
70	Aloha Sports, Inc. General Ledger as of March 31, 2003	27
71	Article entitled "NCAA extends olive branch to two wobbling bowls"	31
72	Memorandum	32
73	Letter dated December 3, 2002	32
74	Letter via fax dated December 6, 2002	33
75	Memo via fax dated December 10, 2002	35
76	Memo via fax dated December 10, 2202	38
77	Memo via fax dated December 12, 2002	40
78	Letter dated December 10, 2002	46

1 RICHARD BANNER

2 called as a witness by and on behalf of Defendant, being
3 first duly sworn to tell the truth, the whole truth, and
4 nothing but the truth, was examined and testified as
5 follows:

6 EXAMINATION

7 BY MS. KAUR:

8 Q Good morning, Mr. Banner.

9 A Good morning.

10 Q Could you please your full name for the record.

11 A Richard O. Banner.

12 Q And what is your current address?

13 A 246 Nenu Street, Honolulu.

14 Q How long have you been at this address?

15 A Four years.

16 Q And where were you prior to that?

17 A I was at a Kuliouou Valley address.

18 Q But you have been in Hawaii?

19 A I have been in Hawaii, yes, for 20 years.

20 Q For the record, could you give us your educational
21 background from high school onwards.

22 A I went to high school at Monterey High School in
23 Lubbock, Texas. I went to a university at Texas Tech
24 University. I graduated with a BA in chemistry, pre med.
25 I did my medical education at Baylor College of Medicine

1 its contract?

2 A I don't know whether it's been paid or not paid. I
3 don't know the status of the University of Oregon.

4 Q Are you aware of the general debts outstanding of
5 Aloha Sports, Incorporated? Are you generally aware of
6 moneys that may be owed to different entities?

7 A I'm general aware of it, yes.

8 Q As current treasurer, do you keep notes or documents
9 of the outstanding debts?

10 A No, I don't.

11 Q Do you know--

12 A I know that they are summarized and listed in what
13 was the proposed sale document to Pro Sports.

14 Q So it's your understanding, then, that that is the
15 most recent compilation of outstanding debts or
16 liabilities?

17 A Yes, that would be the most recent.

18 MS. KAUR: I think we are done. Thank you very
19 much for your time.

20 (At 9:37 a.m., the deposition concluded)

21

22

23

24

25

1 I, RICHARD BANNER, do hereby certify that I have read
2 the foregoing typewritten pages 1 through 47, inclusive,
3 and corrections, if any, were noted by me; and that same
4 is now a true and correct transcript of my testimony.

5
6 Dated

7
8
9
10
11
12
13 Signed before me this
14 day of , 2005.

1 STATE OF HAWAII)
2)

3 I, DONNA KOHLS, C.S.R., a Notary Public in and for
4 the State of Hawaii, do hereby certify:

5 That on November 16, 2005, at 8:03 a.m., appeared
6 before me RICHARD BANNER, the witness whose testimony is
7 contained herein, that prior to being examined, the
8 witness was by me duly sworn; that the proceedings were
9 taken in computerized machine shorthand by me and were
10 reduced to print; that the foregoing represents to the
11 best of my ability, a correct transcript of the
12 proceedings had in the foregoing matter;

13 That the witness, if applicable, was notified through
14 counsel, by mail or by telephone to appear and sign; that
15 if the transcript is not signed, either the reading and
16 signing were waived by the witness and all parties, or the
17 witness failed to appear and the original is therefore
18 kept on file without signature pursuant to Court Rules.

19 I further certify that I am not counsel for any of
20 the parties hereto, nor in any way interested in the
21 outcome of the cause named in the caption.

22 Dated:

23
24 Donna Kohls, C.S.R., No. 146
25 Notary Public, State of Hawaii
My commission expires: 7-21-2009